

UNITED STATES OF AMERICA

MASSACHUSETTS DISTRICT  
BOSTON

CA NO

\_\_\_\_\_  
HELDER PEIXOTO, )  
 )  
PLAINTIFF. )  
 )  
V. )  
 )  
 )  
 )  
EXPERIAN, )  
CRAIG SMITH )  
 )  
DEFENDANTS. )  
 )  
\_\_\_\_\_ )

COMPLAINT AND JURY DEMAND

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NOW COMES THE PLAINTIFF HERINAFTER HELDER PEIXOTO AND PRAYS  
FOR THE HONORABLE FEDERAL JUSTICES OF THE UNITED STATES  
DISTRICT COURT BOSTON MASSACHUSETTS GRANT RELIEF FOR THE  
VIOLATIONS OF THE FAIR CREDIT REPORTING ACT 15 USC § 1681  
HEREAFTER ("FCRA") BY EXPERIAN CREDIT REPORTING AGENCY. THE  
PLAINTIFF SEEKS FULL JUDGEMENT UNDER THE FCRA AND  
MASSACHUSETTS GENERAL LAWS 93A TREBLE DAMAGES.

THE PLAINTIFF SEEKS RELIEF FOR THE DEFAMATION, THE PLAINTIFF SEEKS THE REMOVAL OF SEVERAL ACCOUNTS AND INQUIRIES FROM HIS CONSUMER CREDIT REPORT AS DETAILED IN THE AFFIDAVIT, AND ANY OTHER RELIEF THE COURT FINDS JUST.

#### JURISDICTION

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JURISDICTION OF THIS COURT FALLS UNDER THE FCRA 15 USC s 1681 AND MASSACHUSETTS GENERAL LAWS CHAPTER 93 A.

#### PARTIES

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THE PLAINTIFF HELDER PEIXOTO AN ADULT RESIDING IN MIDDLESEX COUNTY MASSACHUSETTS IS A CONSUMER AS DEFINED IN THE FCRA.

UPON INFORMATION AND BELIEF THE DEFENDANT EXPERIAN,  
HEREAFTER EXPERIAN MAINTAINS HEADQUARTERS IN ORANGE CA,  
AND IS A "PERSON" AS DEFINED BY THE FCRA. 1681 A (B) AND A  
"CONSUMER REPORTING AGENCY" AS DEFINED BY THE FCRA 1681 A (F).

UPON INFORMATION AND BELIEF DEFENDANT, CRAIG SMITH IS CEO  
OF <sup>EXPERIAN</sup> ~~EXPERIAN~~

AFFIDAVIT IN SUPPORT OF ACTION

EXPERIAN WILLFULLY AND NEGLIGENTLY FAILED TO PROVIDE  
COMPLETE CONSUMER DISCLOSURES ON NUMEROUS OCCASIONS IN  
VIOLATION OF FCRA s 1681 AG (A) 1.

EXPERIAN WILLFULLY AND NEGLIGENTLY FAILED TO LIMIT THE  
FURNISHING OF CONSUMER REPORTS TO USERS WITH A PERMISSABLE  
PURPOSE IN VIOLATION OF THE FCRA s 1681 E (A).

EXPERIAN WILLFULLY AND NEGLIGENTLY FAILED TO PROVIDE  
TRAINED PERSONNEL IN VIOLATION OF FCRA s 1681 H (C).

EXPERIAN WILLFULLY AND NEGLIGENTLY FAILED TO PROVIDE TO  
PLAINTIFF A SUMMARY OF ALL RIGHTS IN VIOLATION OF FCRA s1681 G  
(C).

EXPERIAN WILLFULLY AND NEGLIGENTLY FAILED TO FOLLOW  
REASONABLE PROCEDURES TO ASSURE MAXIMUM POSSIBLE ACCURACY  
OF THE INFORMATION CONTAINED IN CONSUMER REPORTS IN VIOLATION  
OF FCRA s 1681 E (B).

EXPERIAN WILFULLY AND NEGLIGENTLY FAILED TO PROVIDE  
CONSUMER DISCLOSURES BY TELEPHONE AND FAX IN VIOLATION OF  
FCRA s 1681 H (B).

EXPERIAN WILLFULLY AND NEGLIGENTLY FAILED TO TO INVESTIGATE PLAINTIFFS DISPUTES,FAILED TO PROVIDE NOTICE OF THE DISPUTES TO THE FURNISHERS AND FAILED TO CONSIDER PLAINTIFFS INFORMATION IN VIOLATION OF FCRA s 1681 (A)1,(A)2 AND (A) 4.

EXPERIAN WILLFULLY AND NEGLIGENTLY FAILED TO PROVIDE WRITTEN NOTICE BY FAX OR E-MAIL AS REQUESTED BY PLAINTIFF ON NUMEROUS OCCASIONS AND FAILED TO PROVIDE REQUIRED NOTICES IN VIOLATION OF THE FCRA s 1681 i (A)7.

EXPERIAN WILLFULLY AND NEGLIGENTLY REPORTED INCORRECT ADDRESSES FOR PLAINTIFF,SUBJECTING HIM TO THE POSSIBILITY OF IDENTITY THEFT, LOST OPPORTUNITIES AND LOSS OF IMPORTANT MAILINGS,INCLUDING CONSUMER CREDIT DISCLOSURES.

EXPERIAN MALICIOUSLY & INTENTIONALLY DISSEMINATED INCORRECT DEFAMATORY STATEMENTS ABOUT PLAINTIFF.

EXPERIAN WILLFULLY AND NEGLIGENTLY ENGAGED IN THE SALE OF  
WORTHLESS AND INCORRECT CREDIT SCORES WITH INTENT TO MISLEAD  
AND DEFRAUD PLAINTIFF AND MILLIONS OF CONSUMERS.

CRAIG SMITH IS RESPONSIBLE AND LIABLE FOR THE EXPERIAN  
PROCEDURES RESULTING IN THE NUMEROUS FCRA VIOLATIONS AND THE  
SUBSEQUENT SERIOUS DAMAGES TO PLAINTIFF AND MANY MILLIONS OF  
CONSUMERS.

Clearly stated in the FCRA:

S604. PERMISSIBLE PURPOSES OF CONSUMER REPORTS[15 U.S.C.S1681B]

- (A) In general. Subject to subsection (c), any consumer reporting agency may furnish a consumer report under the following circumstances and no other:
- (3) To a person which it has reason to believe
    - (A) intends to use the information in connection with a credit transaction involving the consumer on whom the information is to be furnished and involving the extension of credit to, or review or collection of an account of, the consumer; or
    - (B) intends to use the information for employment purposes; or
    - (C) intends to use the information in connection with the underwriting of insurance involving the consumer; or
    - (D) intends to use the information in connection with a determination of the consumer's eligibility for a license or other benefit granted by a governmental instrumentality required by law to consider an applicant's financial responsibility or status; or
    - (E) intends to use the information, investor or servicer, or current insurer, in connection with a valuation of, or an assessment of credit or prepayment risks associated with, an existing credit obligation; or
    - (F) otherwise has a legitimate business need for the information
      - (i) in connection with a business that is initiated by the consumer; or
      - (ii) to review an account to determine whether the consumer continues to meet terms of the account.

LIST OF INQUIRES

- |    |                  |            |
|----|------------------|------------|
| 1. | ASSET ACCEPTANCE | 07/14/2003 |
| 2. | HOUSEHOLD        | 04/16/2003 |
| 3. | ASSOCIATED       | 01/16/2003 |
| 4. | NORTHLAND        | 11/13/2002 |
| 5. | PIONEER          | 06/24/2002 |
| 6. | CRW              | 05/24/2002 |
| 7. | GULFSTATE        | 02/11/2002 |

None of the inquires (all hard inquires on my file) that relate to any of the above PERMISSIBLE PURPOSES. I was never offered credit, insurance or employment in relation to any of these inquiries. I never applied for credit with any of these companies. Due to the fact that these organizations were allowed to view my credit file without meeting any of the above requirements and thus causing a "hard inquiry" to appear on my credit report. TRANSUNION is obligated by the FCRA to correct these inaccuracies and delete the INQUIRES.

I HAVE REQUESTED THAT FILENES, DIRECT MERCHANTS BANK, US CREDIT BUREAU, ABT ASPIRE, FLEET AND PROVIDIAN FINANCIAL. PROVIDE ORIGINAL SIGNED DOCUMENTS AND THEY CAN NOT PROVIDE THEM. UNDER THE DOCTRINE OF ESTOPPEL BY SILENCE ENGELHARD V GRAVENS, I MAY PRESUME THAT NO PROOF OF THE ALLEGED DEBT, NOR THEREFORE ANY SUCH DEBT INFACT EXISTS. UNDER THE FCRA THESE ITEMS MAY NOT APPEAR ON MY CREDIT REPORT.

FILENES #651699910

DIRECT MERCHANTS #5458000585067354

CBT ASPIRE # 413480000800

US CREDIT BUREAU # 17644

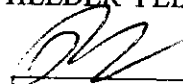
FLEET # 544911195900

PROVIDIAN FINANCIAL # 447941102490

EXPERIAN WAS AND IS OBLIGATED BY THE FCRA TO DELETE THESE ACCOUNTS.



HELDER PEIXOTO (PRO-SE)

A handwritten signature in black ink, appearing to be 'H. Peixoto', written over a horizontal line.

161 Webster Avenue  
Cambridge Ma 02141  
617-547-0327